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S-98/24 (5129*47)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: VINCENT WILMET *ET AL.*)
SERIAL NO. 09/807,285) ART UNIT: TO BE ASSIGNED
FILED: JUNE 19, 2001) EXAMINER: TO BE ASSIGNED
FOR: HYDROFLUORINATION CATALYST)
AND PROCESS)

Asst. Commissioner for Patents
Washington, D.C. 20231

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST-CLASS MAIL IN AN ENVELOPE ADDRESSED TO: ASST. COMMISSIONER FOR PATENTS AND TRADEMARKS, WASHINGTON D.C. 20231 ON THIS 4th DAY OF September 2001. BY: Carrie A. McPherson

COMMUNICATION

Sir:

Please find the enclosed papers:

- 1) Original Declaration/Power of Attorney form executed by inventors;
- 2) International Preliminary Examination Report.

The Commissioner is authorized to debit any deficiency, or credit any overpayment, of the above-mentioned fees to our Deposit Account No. 03-2775.

Respectfully submitted,

CONNOLLY, BOVE, LODGE & HUTZ, LLP

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Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

| | | |
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| Applicant's or agent's file reference S 98/24 | FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416) | |
| International application No. PCT/EP99/07782 | International filing date (day/month/year) 11 October 1999 (11.10.99) | Priority date (day/month/year) 12 October 1998 (12.10.98) |
| International Patent Classification (IPC) or national classification and IPC B01J 23/26, C07C 17/20, 17/21, 19/08 | | |
| Applicant SOLVAY (SOCIETE ANONYME) | | |

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|--|
| 1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36. |
| 2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet. <input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT). These annexes consist of a total of <u>2</u> sheets. |
| 3. This report contains indications relating to the following items: I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application |

| | |
|--|--|
| Date of submission of the demand 09 May 2000 (09.05.00) | Date of completion of this report 28 December 2000 (28.12.2000) |
| Name and mailing address of the IPEA/EP Facsimile No. | Authorized officer Telephone No. |

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP99/07782

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
pages _____ 1-8 _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☒ the claims:
pages _____, as originally filed
pages _____, as amended (together with any statement under Article 19
pages _____, filed with the demand
pages _____ 1-10 _____, filed with the letter of _____ 04 December 2000 (04.12.2000)
- ☐ the drawings:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP 99/07782

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability: citations and explanations supporting such statement

1. Statement

| | | | |
|-------------------------------|--------|------|-----|
| Novelty (N) | Claims | | YES |
| | Claims | 1-10 | NO |
| Inventive step (IS) | Claims | | YES |
| | Claims | 1-10 | NO |
| Industrial applicability (IA) | Claims | 1-10 | YES |
| | Claims | | NO |

2. Citations and explanations

1. The subject matter of Claims 1 and 4 does not meet the requirements of PCT Article 33(2) for the following reasons:

D1 (EP-A-0 657 409) describes a hydrofluorination catalyst containing chromium oxide prepared from chromic anhydride (see D1: catalyst 7, page 5). The catalyst of D1 is thus prepared without making use of a compound that contains ammonium ions; its content in ammonium salts is thus automatically lower than 0.2% in weight. The applicant's attention is drawn to the fact that the expression "poor in ammonium salts" found in Claim 1 cannot be regarded as a technical feature of a substance intended to characterize the catalyst. The claimed substance is a catalyst **whose ammonium salts content is lower than or equal to 0.2% in weight**. This is anticipated by D1; the manner in which said content is obtained corresponds to a technical feature of a method which cannot be used to characterize the claimed catalyst.

Therefore, the subject matter of Claim 1 and in turn, of Claim 4, is not novel.

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2. The additional technical features contained in dependent Claims 2, 3 and 5-10 are also known from D1 (see D1: page 3, lines 30-38). Therefore, the subject matter of said claims does not satisfy the criterion for novelty stipulated in PCT Article 33(2) either.